

REMARKS

Claims 1 and 5-11 are pending in this application.

Applicant has amended claims 1, 5, and 9-11. The changes to claims 1, 5, and 9-11 made herein do not introduce any new matter.

Rejections Under 35 U.S.C. § 103

Applicant respectfully requests reconsideration of the rejection of claims 1, 5-7, and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over *Nakajima et al.* (“*Nakajima*”) (US 2002/0135687 A1) and *Shiobara* (JP 2000-115788) in view of *Kuwata et al.* (“*Kuwata*”) (JP 2001-177733) and further in view of *Watanabe et al.* (“*Watanabe*”) (US 6,823,083 B1). As will be explained in more detail below, the combination of the *Nakajima*, *Shiobara*, *Kuwata*, and *Watanabe* references would not have rendered the subject matter defined in independent claims 1, 5, and 9-11, as amended herein, obvious to one having ordinary skill in the art.

The Presently Claimed Subject Matter

The independent claims, as amended herein, define subject matter including the following features:

- 1) “the partial range of hue including the hue of the light source obtained using the light source information” (independent claims 1, 5, and 9-11);
- 2) “the saturation threshold value being large in a case where hue of the pixel is within a partial range of hue compared to a case where the hue of the pixel is outside the partial range of hue” (independent claims 1 and 9-11); and
- 3) “the process parameter is large in a case where a shifted hue in the image data is within a partial range of hue compared to a case where the shifted hue in the image data is outside the partial range of hue” (independent claim 5).

The Watanabe Reference

In formulating the obviousness rejection, the Examiner adds the newly cited *Watanabe* reference to the previously applied *Nakajima*, *Shiobara*, and *Kuwata* references. The *Watanabe* reference discloses a saturation correcting apparatus and method. In particular, the *Watanabe* reference discloses that “[a] threshold corresponding to the hue of the pixel to be corrected is determined, as shown in FIG. 22.” Column 18, lines 28-30. However, the *Watanabe* reference does not explain how to determine the threshold corresponding to the hue. With regard to the presently claimed subject matter, the *Watanabe* reference does not disclose or suggest that the saturation threshold (the process parameter) is large in the partial range of hue including the hue of the light source obtained using the light source information compared to that outside of the partial range of the hue.

Furthermore, the *Watanabe* reference discloses that “[w]hen a gray pixel is given, the saturation thereof is zero, so that the correction coefficient is zero. Accordingly, the luminance thereof is not changed. The nearer the color (which may be the color difference) of the pixel is to gray, the smaller the amount of change in the luminance is.” Column 19, lines 4-8. As stated by the Examiner, this means that when a pixel is of a gray color no adjustment is necessary. On the other hand, according to the white balance adjustment of the presently claimed subject matter, even when a gray pixel is given, the color of that pixel is adjusted according to the determined amount based on the amount of color cast (see, for example, Figures 13(a) and 13(b) of the subject application). Moreover, the *Watanabe* reference effectively “teaches away” from applying the graph of Figure 22 to the saturation threshold (the process parameter) used in the white balance adjustment.

Thus, for at least the foregoing reasons, the *Watanabe* reference does not disclose or suggest the above-listed features of present independent claims 1, 5, and 9-11.

Nonobviousness of the Presently Claimed Subject Matter

None of the *Nakajima*, *Shiobara*, and *Kuwata* references discloses or suggests the above-listed features of the presently claimed subject matter. As such, even if these references were to be combined with the *Watanabe* reference in the manner proposed by the Examiner, the result of this combination would not have included each and every feature of the presently claimed subject matter. Therefore, the combination of the *Nakajima*, *Shiobara*, *Kuwata*, and *Watanabe* references would not have rendered the subject matter defined in present independent claims 1, 5, and 9-11 obvious to one having ordinary skill in the art.

Accordingly, independent claims 1, 5, and 9-11, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of the *Nakajima*, *Shiobara*, *Kuwata*, and *Watanabe* references. Claims 6 and 7, each of which depends from claim 5, are likewise patentable under 35 U.S.C. § 103(a) over the combination of the *Nakajima*, *Shiobara*, *Kuwata*, and *Watanabe* references for at least the same reasons set forth above regarding claim 5.

Dependent Claim 8

Applicant respectfully requests reconsideration of the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Nakajima*, *Shiobara*, *Kuwata*, and *Watanabe*, further in view of *Sato* (JP 2001-339739). Claim 8 depends from claim 1. The deficiencies of the combination of the *Nakajima*, *Shiobara*, *Kuwata*, and *Watanabe* references relative to the subject matter defined in present claim 1 are discussed above in connection with the obviousness rejection of claim 1. The *Sato* reference does not cure the above-discussed deficiencies of the combination of the *Nakajima*, *Shiobara*, *Kuwata*, and *Watanabe* references relative to the subject matter defined in present claim 1. Accordingly, claim 8 is patentable under 35 U.S.C. § 103(a) over the combination of *Nakajima*, *Shiobara*, *Kuwata*, *Watanabe*, and *Sato* for at least the reason that this claim depends from claim 1.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1 and 5-11, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP134).

Respectfully submitted,
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